

IN THE RECORDERS COURT OF DEKALB COUNTY

STATE OF GEORGIA

ORDER

WHEREAS The Recorders Court of DeKalb County exercises Municipal Court jurisdiction under the laws of the State of Georgia, and

WHEREAS Recorders Court is vested with jurisdiction over certain state law misdemeanors and all of Title 40 of the Official Code of Georgia with the exception of vehicular manslaughter, and

WHEREAS jurisdiction is lost by Recorders Court over any state law offense when a defendant invokes his or her right to a jury trial in State Court at arraignment, and

WHEREAS the right to a jury trial is the personal right of a defendant which cannot be waived by an Attorney on behalf of his or her client,

It is ORDERED that:

Any defendant represented by counsel must appear at arraignment to personally waive or assert the right to a jury trial unless the defendant has empowered his or her attorney to enter a plea which either waives or asserts the right to a jury trial by filing a notarized affidavit expressing the waiver of the right to a jury trial, or an affidavit asserting the right to a jury trial and requesting the bind-over of the case to State Court for same.

The failure of a defendant to file said affidavit contemporaneous with the filing of an entry of appearance when said defendant is represented by counsel and when said defendant chooses not to appear at arraignment will be treated as a failure to appear on the part of the defendant, with all attendant consequences.

No Plea in Absentia will be accepted by the Court without an affidavit filed by a defendant explicitly waiving a right to a jury trial in State Court.

The defendant's affidavits must follow the form required by Georgia law in all respects.

SO ORDERED THIS 25th day of April, 2014



Nelly F. Withers, Chief Judge

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